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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/687,987

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Christopher J. Cormack

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EXAMINER

THOMAS, JASON M

ART UNIT

PAPER NUMBER

4126

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/687,987	Applicant(s) CORMACK ET AL.	
	Examiner JASON THOMAS	Art Unit 4126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/17/03, 04/18/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. Claims 5-6 and 20-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claims 5-6 and 20-24, an article comprising a machine-readable medium having stored thereon data representing instructions which, when executed by a machine, cause the machine to perform operations is not statutory because such an article is not limited to a computer-readable medium and can include data signals embodied in a carrier wave or other propagation medium via a communication link which are nonstatutory subject matter (see page 20 of the specification).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 7-16, 18-19 and 25-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Chang (U.S. Patent No. 5,543,851).

Regarding claims 1, 7 and 14 Chang discloses an apparatus and a method which necessitates instruction embedded in some form of computer readable medium (see [column 3 lines 50-53]) to implement the method by using the apparatus comprising: a video receiver to receive a video signal with encoded text data (see [abstract], [figure 1], [figure 2], [figure 9], [column 1 lines 32-35], [column 1 lines 49-53], [column 2 lines 32-53]); a decoder to decode the encoded text data (see [abstract], [figure 1 item 20], [figure 2 and 8 item 32], [column 1 lines 11-16], [column 1 lines 49-53]); a text translator to process the decoded text data (i.e. translate the decoded text data from the language in which the text is received to a second language) (see [abstract], [figure 5b], [column 1 lines 58-67], [column 3 lines 42-53], [column 4 lines 9-16], [column 4 lines 44-47], [column 5 lines 43-46] for processing the text to obtain a translation); and a video processor to combine the translated text data with a video portion of the video signal for display (see [abstract], [figure 4 item 410], [figures 5a & 5b], [figure 9], [column 2 lines 65-66], [column 4 lines 20-26], [column 4 lines 40-50] for a processor which combines the text with the video for display which inherently requires video processing to accomplish).

Regarding claim 25 Chang discloses a wireless video receiver (see [column 2 lines 42-48], [column 7 lines 6-11] for a wireless video receiver) comprising: a video receiver to receive a video signal with encoded text data (see

[abstract], [figure 1], [figure 2], [figure 9], [column 1 lines 32-35], [column 1 lines 49-53], [column 2 lines 32-53]); a decoder to decode the encoded text data (see [abstract], [figure 1 item 20], [figure 2 and 8 item 32], [column 1 lines 11-16], [column 1 lines 49-53]); a text processor to process the decoded text data (see [abstract], [figure 5b], [column 1 lines 58-67], [column 3 lines 42-53], [column 4 lines 9-16], [column 4 lines 44-47], [column 5 lines 43-46] for processing the text to obtain a translation); and a video processor to combine the translated text data with a video portion of the video signal for display (see [abstract], [figure 4 item 410], [figures 5a & 5b], [figure 9], [column 2 lines 65-66], [column 4 lines 20-21], [column 4 lines 40-50] for a processor to combine the text with the video for display).

Regarding claim 2, Chang discloses wherein the encoded text data comprises closed caption data (see [abstract], [figure 2 and 8 item 32], [column 1 lines 31-38], [column 2 lines 34-38]).

Regarding claims 3, 10, 11 and 28, Chang discloses wherein the text translator further comprises a dictionary and a processor to apply the decoded text data to the dictionary to correct and translate the text data and to obtain the processed text data (see [abstract], [figure 5b], [column 1 lines 58-67], [column 4 lines 9-13], [column 5 lines 43-46], [column 5 lines 55-57] for a dictionary or a memory storage of definitions used for correcting and translating the text data thus able to obtain the processed data).

Regarding claims 4, 12, 18 and 29, Chang discloses wherein combining comprises generating, or more specifically, the video processor generates character images of the translated text data and superimposes the character images over image of the video portion of the video signal (see [abstract], [figure 4 item 410], [figures 5a & 5b], [figure 9], [column 2 lines 65-66], [column 4 lines 20-21], [column 4 lines 40-50] where the video image can be displayed with or without the processed caption text which inherently requires combining the character images over the video image signal).

Regarding claims 13, 19 and 30, Chang discloses wherein the video processor encodes the translated text into text data and substitutes the encoded translated text data for the encoded text data of the received video signal (see [abstract], [figure 4 item 410], [figures 5a & 5b], [figure 9], [column 2 lines 65-66], [column 4 lines 20-21], [column 4 lines 40-50] where the microprocessor displays a video image using a display signal which can be displayed with or without the processed caption text which inherently requires inserting the processed text data into the display signal thus combining the character images over the video image signal).

Regarding claims 8, 15 and 26, Chang discloses wherein the decoder reads data from a vertical blanking interval of the video signal (see [column 3 lines 5-12] where the data is read by the decoder from the conventional VBI).

Regarding claims 9, 16 and 27, Chang discloses wherein the decoder comprises a digital video transport stream decoder (see [figure 1 item 16],

[column 2 lines 48-58], [column 3 lines 13-16], [column 7 lines 20-22] for a tuner capable of decoding a video transport stream).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chang, in view of Agnihotri et al. (WO 03/030018 A1).

Regarding claim 17, Chang does not explicitly teach the use of a phrase dictionary.

Agnihotri, however explicitly teaches wherein translating text data comprises applying phrases in the decoded text data to a phrase dictionary (see [abstract] for language databases which include a metaphor interpreter; see also [column 2 lines 26-29], [column 3 lines 30-32], [column 5 lines 27-31]).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to interpret phrases, as taught in Agnihotri, to assist in the interpretation of the conveyance of thought via closed caption information, as taught in Chang, because at the time of Chang's invention Chang recognized that different degrees of difficulty including that of phrases would require different levels of processing (see [column 4 lines 44-50] for flagging a phrase to represent its degree of difficulty to translate).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON THOMAS whose telephone number is (571)270-5080. The examiner can normally be reached on Mon. - Thurs., 8:00a.m. - 5:00p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 4126

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

J. Thomas

/Dennis-Doon Chow/
Supervisory Patent Examiner, Art Unit 4126